

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

August 30, 2018

Return Receipt Requested

Certified Mail #: (b) (6) Privacy

In Reply Refer to:

EPA File No: 03U-18-R3

Dr. Sean Arney
Superintendent of Schools
Moniteau School District
1810 West Sunbury Road
West Sunbury, PA 16061

Re: Rejection and Closure of Administrative Complaint

Dear Dr. Arney:

The U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), is in receipt of a complaint filed against the Moniteau School District (MSD) which was referred to us by the Department of Justice on August 3, 2018. Specifically, the complainant alleges that MSD discriminated against her and her family because she was not from the community and/or had not graduated from school in this district or town. The complainant indicated that her son was singled out for posting a video of a Moniteau High School water fountain and that she was not allowed to speak at the school board meetings after reporting the poor water quality at the school to the Pennsylvania Department of Environment Protection. After careful consideration ECRCO cannot accept the complaint for investigation.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

ECRCO has concluded that it cannot accept the administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination

regulation. Specifically, the MSD is not an applicant for, or recipient of, EPA federal financial assistance. In addition, the complainant told ECRCO staff, during an interview on August 22, 2018, that the MSD's actions were a result of their family not being from the community and/or not graduating from the MSD's or town's schools, which does not describe an alleged discriminatory act based on race, color, national origin, sex, age, or disability. As a result, ECRCO does not have jurisdiction to investigate the claims raised in the complaint. Accordingly, ECRCO is closing this case as of the date of this letter.

If you have questions about this letter, please contact Case Manager Ericka Farrell, at (202) 564-0717, via email at farrell.ericka@epa.gov, or by mail at U.S. EPA, Office of General Counsel, Mail Code 2310A, Room 2524, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,



Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office

Cecil Rodrigues
Deputy Regional Administrator
Deputy Civil Rights Official
EPA Region 3